



Date: November 14, 2008

To: City Manager for Council Action

From: Director of Planning and Inspection

Subject: Two-year Time Extension of a PD (Planned Development) Zoning Approval to Allow Construction of 45 Dwelling Units as Part of a Four-Story Residential Development Condominium with Podium Parking at 2250 El Camino Real (PLN2008-07285)

EXECUTIVE SUMMARY:

On October 8, 2008, the Planning Commission, after holding a public hearing, recommended approval for a time extension of a PD (Planned Development) zoning approval to allow construction of 45 dwelling units as part of a four-story residential development condominium project with podium parking at 2250 El Camino Real (APN: 290-10-072). Extension of time for an approved PD zoning action may be granted for up to two years (for each extension) in accordance with SCCC Section 18.54.070. The project includes the demolition of the existing Western Motel, for infill residential development of the proposed project, and the relocation and preservation of the historic commercial sign on the City's Dog Park, located at 880 Reed Street. A Notice of Public Hearing was mailed to property owners within 300 feet on November 6, 2008, and was posted at the project site on November 6, 2008. The staff report and excerpt of minutes from the October 8th Planning Commission meeting are attached.

To reflect recent changes in the City's affordable housing program, it is recommended that Condition 52 of the Project Conditions of Approval be modified to reflect current standards. The following language is recommended by staff to replace Condition 52:

The Developer shall provide not less than ten percent (10%) of the housing units at an affordable level. Ownership housing shall be made affordable for households at the current median-income (100% area median income) level based on household size in accordance with the City's Below Market Purchase (BMP) Program. Rental housing shall be made affordable for households not exceeding the current very low-income (50% area median income) and low income (80% area median income) levels based on household size at a distribution ratio based on the regional Housing Needs Allocation (RHNA) requirements. The household size used for determining affordability shall be based on the number of bedrooms plus one. Affordable housing units shall be provided in general proportion to the mix of housing unit types and sizes in the development. Prior to the issuance of building permits, the Developer shall enter into an Affordable Housing Agreement with the City that will apply covenants guaranteeing the prescribed affordability, to the satisfaction of the Director of Planning and Inspection.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

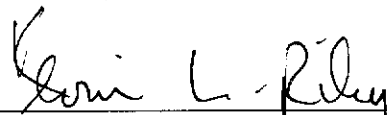
The proposed time extension would allow the property owner to preserve the zoning entitlement granted for the site to construct 45 dwelling units as part of a four-story residential development condominium project with podium parking at 2250 El Camino Real (APN: 290-10-072).

ECONOMIC/FISCAL IMPACT:

There is no cost to the city other than administrative staff time and expense.

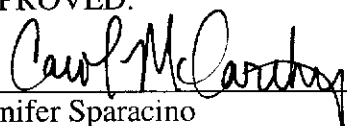
RECOMMENDATION:

That the Council uphold the Planning Commission recommendation to approve the time extension for up to 2 years for a PD (Planned Development) zoning approval for 2250 El Camino Real (PLN2008-07285) to construct 45 dwelling units as part of a four-story residential development condominium project with podium parking subject to conditions including amending condition number 52 as noted above and in accordance with the City's current affordable housing program requirements.



Kevin L. Riley, AICP
Director of Planning and Inspection

APPROVED:



Jennifer Sparacino
City Manager

Documents Related to this Report:

- 1) *Planning Commission staff report for October 8, 2008*
- 2) *Planning Commission meeting minutes excerpt, October 8, 2008*

Attachment 1



Planning Commission Staff Report October 8, 2008 Agenda Item # 8.C.

File: **PLN2008-07285**
Location: 2250 El Camino Real, a 43,000 square foot lot on the south side of El Camino Real approximately 135 feet east of Los Padres Boulevard (APN: 290-10-072). Property is zoned PD (Planned Development).
Applicant/Owner: Greg Malley
Request: Time extension of PD zoning approval to allow construction of 45 dwelling units as part of a four-story residential development condominium project with podium parking
Project Planner: Debby Fernandez, Associate Planner

Staff Recommendation: Approve, subject to conditions

PROJECT DESCRIPTION

The property owner is requesting a time extension of a PD (Planned Development) approval, granted in October 2006, that allows the construction of a four-story residential infill project consisting of 45 for-sale condominium units over podium parking, 90 parking spaces, site circulation and landscape improvements. The project includes the provision of five below-market-rate units for-sale, consistent with the City's 10 percent affordability requirement for new housing development, and a Tentative Parcel Map to create a single lot subdivision for the construction of condominium units and common area. Approval of a time extension is required to preserve the zoning entitlement granted for development of the project site as previously approved.

The land use designation for the site was amended in May 2006 from Mixed Use to High Density Residential and the zoning designation was changed from CT (Thoroughfare Commercial) to PD to allow residential development at 43 per acre (du/ac). The PD was amended in October 2006 to increase the residential density to 45 du/ac for the construction of 45 dwelling units and related improvements on the project site.

PRIOR ACTIONS

9/3/08: Application received.
9/15/08: Application deemed complete by Project Clearance Committee.

CURRENT USE / ZONING / GENERAL PLAN

Current Use: Western Motel
Current Zoning: PD
General Plan Designation: High Density Residential
The project request is consistent with the General Plan designation for the site.

NEARBY PROPERTIES Land Use and Zoning

North: El Camino Real and commercial activities, Zoned CT
East: Commercial property, Zoned CC (Community Commercial)
South: Attached single family residences and duplexes, Zoned PD
West: Full service restaurant, Zoned CT

ENVIRONMENTAL DETERMINATION

Categorically exempt per Section 15331 and 15332 of CEQA. The project is a residential infill

development within an urbanized setting, served by existing public facilities. A Traffic Impact Analysis (TIA) was not required for this project. Based on ITE calculations, the proposed project would generate approximately 20 peak a.m. commute trips and 23 peak p.m. commute trips. The threshold that triggers the requirement for a TIA is 100 peak commute trips.

CONSISTENCY WITH DESIGN GUIDELINES

The project is consistent with the City of Santa Clara's Design Guidelines for building orientation, architecture, equipment location, and parking and circulation for new development along the El Camino Real. There are no changes to the project plans as part of the applicant's request for a time extension. Site design (including parking/circulation and equipment location), architecture, exterior building materials, and landscaping remain the same as reviewed and approved by the Architectural Committee in December 2006.

STAFF REPORT – October 8, 2008

Public Input: *The notice of public hearing for this item was posted within 300 feet of the site and was mailed to property owners within 300 feet. The following comments have been received as of the preparation of this report:*

- A letter of concern has been submitted and is attached for review.
- The property owner has provided a statement of justification for the request and is attached for review.

Considerations: *The following general factors may be considered in evaluating this request. Some of these factors may represent evidence or facts that may directly support or refute the findings necessary to support this request:*

- The project site is a developed property with a 36-room motel, swimming pool, recreation area, motor court, mature landscaping, and a metal neon cactus sign. In November 2005, the property owner filed an application for a General Plan Amendment from Mixed Use to High Density Residential and rezone from CT to PD; to construct a three-story residential project with 42 condominium units over podium parking and 84 parking spaces, for a total of four-stories at 43 du/ac. As part of the project, a Historic Report and Evaluation (DPR 523) was prepared for the property that included the neon sign and was reviewed by the Historical and Landmarks Commission (HLC). The report and HLC concluded that while the motel is not architecturally or historically significant, the neon cactus sign is eligible for the California Register of Historic Places. The project was reviewed by the Planning Commission and City Council in April and May of 2006, and approved subject to conditions that include mitigation in compliance with the Secretary of Interior Standards for the Treatment of Historic Signs (see Condition of attached to this staff report).
- In July 2006, the property owner filed an application to amend the PD to allow construction of 45 condominium units in place of the 42 originally approved for the site. This proposal included the provision of six additional parking spaces to match the parking requirement of two parking spaces per unit, for a total of 90 on-site parking spaces, and alternations in floor plan types, building height, side yard setback, and exterior building design. As with the original approval this project includes five BMR units, consistent with the City's affordable housing policy, as part of the development. The revised project was reviewed by the Planning Commission and City Council in October 2006, and was approved subject to conditions. The project was subsequently reviewed and approved by the Architectural Committee in December 2006, subject to compliance of the PD conditions of approval.
- The property owner submitted construction documents to the City for building permits in August 2007. The building permit process is incomplete and no building permits have been issued to date. The entitlements granted for the amended PD approval are due to expire in October 2008 as construction of the project has not been initiated within two years of City Council approval of the project as required by Section 18.54.070(a) of the Zoning Ordinance.
- To protect the entitlements granted for the construction of 45 dwelling units on the project site, as previously approved, the property owner has filed an application in accordance with

Section 18.54.070(b) of the Zoning Ordinance to extend the time limit for initiation of construction up to two additional years.

Alternatives to the Proposal: *The following alternative measures or possible changes to the project may achieve the project goals to some degree and/or result in a lesser impact than the project proposal, and may be but are not necessarily recommended by staff.*

- None proposed or recommended

FINDINGS REQUIRED TO SUPPORT THE REQUEST

*Findings provide a means to link the available evidence with the decision to approve or deny the application. If this request is favorably considered, the preponderance of evidence should support the following or similar findings to approve the **rezoning** request. The following evidence and facts provide a basis for the recommendation/action on this request:*

a) The existing zoning is inappropriate or inequitable, in that:

- Expiration of the PD approval would revert the property back to a CT zoning designation. The CT zoning designation is inconsistent with the General Plan designation of High Density Residential assigned to the project site.

b) The proposed zone change will conserve property values; protect or improve the existing character and stability of the area in question; and will promote the orderly and beneficial development of such area, in that:

- The requested time extension would allow the property owner to develop the site in accordance with the PD approval granted in October 2006 for 45 du/ac and General Plan amendment approved for the site in May 2006 for high density residential development.
- The project would demolish a one-story motel and replace the existing low intensity commercial use with investment and construction of a four-story high density residential development project that contains on-site parking and common area for resident use; screened trash enclosures, site improvements and perimeter landscaping.
- A Homeowners Association and project CC&Rs are required as a PD condition of approval and will be recorded for the long-term maintenance of the property.

c) The proposed zone change is required by public necessity, public convenience, or the general welfare of the City.

- The project contributes 45 additional dwelling units/condominiums to the City's housing stock and includes the provision of five affordable housing units at below-market-rate as part of the unit mix. The contribution of five BMR units is consistent with the City's 10 percent inclusionary policy and along with the market rate housing proposed as part of the project will provide opportunities for varied income types to enter into the housing market.
- The project is pedestrian-oriented and is consistent with Smart Growth principles to locate residential development in proximity to a mixture of land uses and transportation corridors. The project site is located in proximity to office use, retail services, restaurants, office open space, and VTA bus lines and transit connections.
- The project would allow for the relocation and preservation of the existing neon cactus sign offsite.

d) The proposed zone change would allow imaginative planning and design concepts to be utilized for that would otherwise be restricted in other zoning districts.

- The approved PD allows for the construction of a single building with resident and visitor parking within a podium parking structure that is confined to the building footprint. The residential units are distributed among three floors above the podium and wrap around a central landscaped courtyard designed for resident use. The building fronts the street and has a prominent entry feature for pedestrian access and connectivity of the development to the streetscape. The project does not include any changes to the plans reviewed and approved by the Architectural Committee in December 2006.

STAFF RECOMMENDATION – October 8, 2008

Recommend that the Planning Commission make the necessary findings, based upon the

evidence articulated above and as may be provided through the public hearing, to **approve** this request, subject to conditions.

RECOMMENDED CONDITIONS OF APPROVAL

In the event that this request is favorably considered, it is recommended that the Planning Commission apply the following recommended conditions of approval. In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following conditions of approval are recommended:

GENERAL

1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ENGINEERING

2. Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process.
3. Construct driveways in the public right-of-way to City commercial type standards, and provide 2% sidewalk cross slope at driveway to comply with ADA standards, in a manner acceptable to the City Engineer.
4. Dedication of 5' sidewalk easement along the back of driveway approach is required.
5. Damaged curb, gutter and sidewalk within the public right-of-way along property's frontage (to the nearest score mark) shall be repaired or replaced in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
6. Unused driveways in the public right of way shall be replaced with City standard curb, gutter and sidewalk.
7. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and corners in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3000 for further information.
8. All work within the public right-of-way or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a **Single Street Opening Permit** issued by the City Engineering Department. Additionally, the developer's agent shall secure **Encroachment Permits** from Caltrans for work within El Camino Real right-of-way. Issuance of the Encroachment Permit, the Street Opening Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
9. Developer is to cause a Final Map to be recorded to create a single-lot subdivision for development.

ELECTRIC

10. Installation of standard SVP trench along El Camino Real is required.
11. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new

customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.

12. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
13. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
14. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
15. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G6 and MS-G7.
16. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
17. All electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
18. City Electric Department transformer pads require an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from an 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
19. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
20. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City.

After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).

21. Electrical improvements (including underground electrical conduits on properties frontage) may be required if any private single improvement valued at \$50,000 or more or any series of private improvements made within a three-year period valued at \$50,000 or more in conjunction with a use, variance, or moving permit. Also may be required if any single private improvement valued at \$80,000 or more or any series of private improvements made within a three-year period valued at \$80,000 or more in conjunction with a building permit (Santa Clara City Code Title 17 Appendix A (Table III)).
22. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please contact Clint Laird at 408-261-5467 after development of site plan, to facilitate plan review.

WATER

23. All sanitary sewer lateral(s), either proposed or existing, shall be equipped with a clean-out at the property line.
24. All trees, existing and proposed, must maintain minimum of ten (10) feet from any existing or proposed Water Department facilities. Existing trees that conflict must be removed by developer. Trees shall not be planted in water easements or public utility easements.

FIRE

25. Private fire hydrants and mains capable of supplying the required fire flow shall be installed when any portion of the building protected is in excess of 150 feet from a water supply on a public street. NOTE: Two on-site fire hydrants were approved in the meeting on April 26, 2006 at the proposed location.
26. Approved fire apparatus access roads shall have a minimum 20-foot width, have a minimum 13 ½-foot vertical clearances and have a minimum 36-foot inside turning radius. Variance for 12'-6" clear height dimension approved as indicated. No other obstructions shall be imposed that will reduce the 12'-6" height dimension.
27. Rubbish containers: Containers that are 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings, property lines or combustible roof eave lines unless protected by approved fire sprinklers (UFC 1103.2.2). If a roof over the trash enclosure is to be provided, then it shall be of non-combustible construction.
28. Approved fire apparatus access roads shall be capable of supporting the imposed fire apparatus load (70,000 lbs.) and have an all-weather driving surface (paved).
29. Automatic fire sprinkler system is required for all new buildings in accordance with the California Building and Fire Code and where modifications to an existing building would increase the fire flow to 2,000 gallons per minute or the total floor area exceeds 10,000 square feet (a separate Fire Department permit is required for the sprinkler system). Sprinkler main drain test valves shall discharge to the sanitary sewer system (via an indirect connection) or shall discharge onto a landscape area of sufficient size.
30. Fire Alarm system shall be provided for Group R1 occupancies three or more stories in height or containing 16 or more dwelling units.
31. A standpipe system shall be provided for buildings four or more stories in height. Standpipe connections shall be provided at each stairwell and on the podium level. Standpipe shall be designed so that the 100 feet of fire hose will be able to reach the furthest point of the building exterior.

32. When underground fire service mains are required, submit separate plans, fees and fire flow calculations to the Fire Department for separate review and permit. Each parcel or building may require separate fire service. (NOTE: Stamped and wet signed Civil drawings shall be submitted in conjunction with shop quality drawings by the installing "A" or "C-16" licensed contractor).

FIRE DEPARTMENT NOTES (Required on plans/drawings at the time of application)

33. At the time of permit application, submit plans with proper fire lane signage and curb striping denoted for all private fire apparatus access roads. Contact Santa Clara Fire Dept. for Fire Lane guidelines.
34. Prior to combustibles being brought on site, a "Standard for Construction Site Fire Safety" shall be developed and maintained on site. The guidelines for the construction site safety standards can be found on www.unidocs.org/fire.
35. A written "Fire Protection Plan" (which is part of the standard) shall be developed for significant or complex construction projects at the discretion of the fire department. The plan shall be approved by the Fire Department prior to proceeding past foundation work for new buildings or commencement of demolition work in alteration projects. The written plan shall be consistent with the fire safety precautions as specified in this Standard. The general contractor is responsible for carrying out the provisions of the Fire Protection Plan and communicating it to all subcontractors. The Fire Protection Plan shall include the following:
- a. Procedures for reporting emergencies to the Fire Department.*
 - b. Procedures for emergency notification, evacuation and/or relocation of all persons in the building under construction and on the site.*
 - c. Procedures for hot work operations, management of hazardous materials and removal of combustible debris and maintenance of emergency access roads.*
 - d. Floor plans identifying the locations of exits, exit stairs, exit routes and portable fire extinguishers.*
 - e. Site plans identifying the designated exterior assembly areas for each evacuation route.*
 - f. Site plans identifying required fire apparatus access roadways and on-site fire hydrants.*
 - g. The name and contact phone number of the person(s) responsible for compliance with the Fire Protection Plan.*
36. A "Pre-Construction Inspection" must be conducted and approved by the Fire Department to confirm that the construction site fire safety standards have been developed and implemented. Call (408) 615-4970 to schedule an inspection.
37. Combustible construction in excess of 150 feet from the street shall not commence until fire access roads, underground fire service lines, and permanent on-site hydrants are in service and have been tested, flushed and approved by the Fire Department.
38. Construction materials shall not obstruct access roads, access to buildings, hydrants or fire appliances.
39. A General Permit through the State shall be adhered to regarding non-point source issues on construction sites. (i.e., prevention of paints, debris, etc. from going down storm drains).
40. Internal-combustion-powered construction equipment shall be used as follows: (a) Equipment shall not be refueled while in operation; (b) Exhausts shall be piped to the outside of the building.

POLICE

41. Provide a minimum illumination of one-foot candle in carport, parking areas and in all common pedestrian or landscaped areas of the development. The illumination should be deployed in fixtures that are both weather and vandal resistant.
42. Address numbers of the individual units shall be clearly visible from the street and shall be a minimum of six (6) inches in height and of a color contrasting with the background material. Numbers shall be illuminated during the hours of darkness. Individual apartment numbers shall be a minimum of six (6) inches in height and a color contrasting to the background material and either visible from the street or from the center area of the project. Where multiple units/buildings occupy the same property, unit/building address shall be clearly visible. A monument sign, preferably at all dedicated entrances to the property, shall be prominently displayed, showing all unit/building numbers, addresses, etc. A map is recommended for large complexes with multiple streets or walkways.
43. All construction of dwelling units shall conform to the requirements of the Uniform Building Security Code as adopted by the City of Santa Clara City Council.
44. A Knox Box or Coded Entry System is required for Police access to enclosed parking lots and gated communities.
45. Landscaping shall be of the type and situated in locations to maximize visibility from the street while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows.
46. Any required enclosure fencing (trash area, utility equipment, etc.) if not see through, should have a six (6) inches opening along the bottom for clear visibility. Any gates or access doors to these enclosures should be locked.
47. Exterior stairs should be open style and well lit.
48. The parking structure, including ramps, corners and entrances, should be illuminated at a minimum of 5-foot candles at all hours.
49. All entrances to parking areas (surface, structure, sub-terranean, etc.) should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code Section 22658(a) for guidance).
50. The 'Multiresidential Security Guidelines' provided to applicant should be considered, with applicable provisions implemented.

PLANNING AND INSPECTION

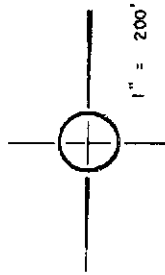
51. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
52. The developer shall provide that at least ten percent (10%) of the units shall be affordable, in compliance with California Community Redevelopment Law and at levels commensurate with the City's regional fair share requirement subject to the availability of Redevelopment Agency Funds Prior to occupancy, the developer shall enter into agreements with the City and prepare covenants that guarantee the prescribed affordability for not less than fifty-five

(55) years for rental units and forty-five (45) years for ownership units. The utilization of Agency housing set-aside funds will be based upon an analysis by the Agency to determine the amount of a subsidy for each unit and shall be a part of the agreement. Affordable units shall be made available in proportion to the general mix of unit types provided in the development.

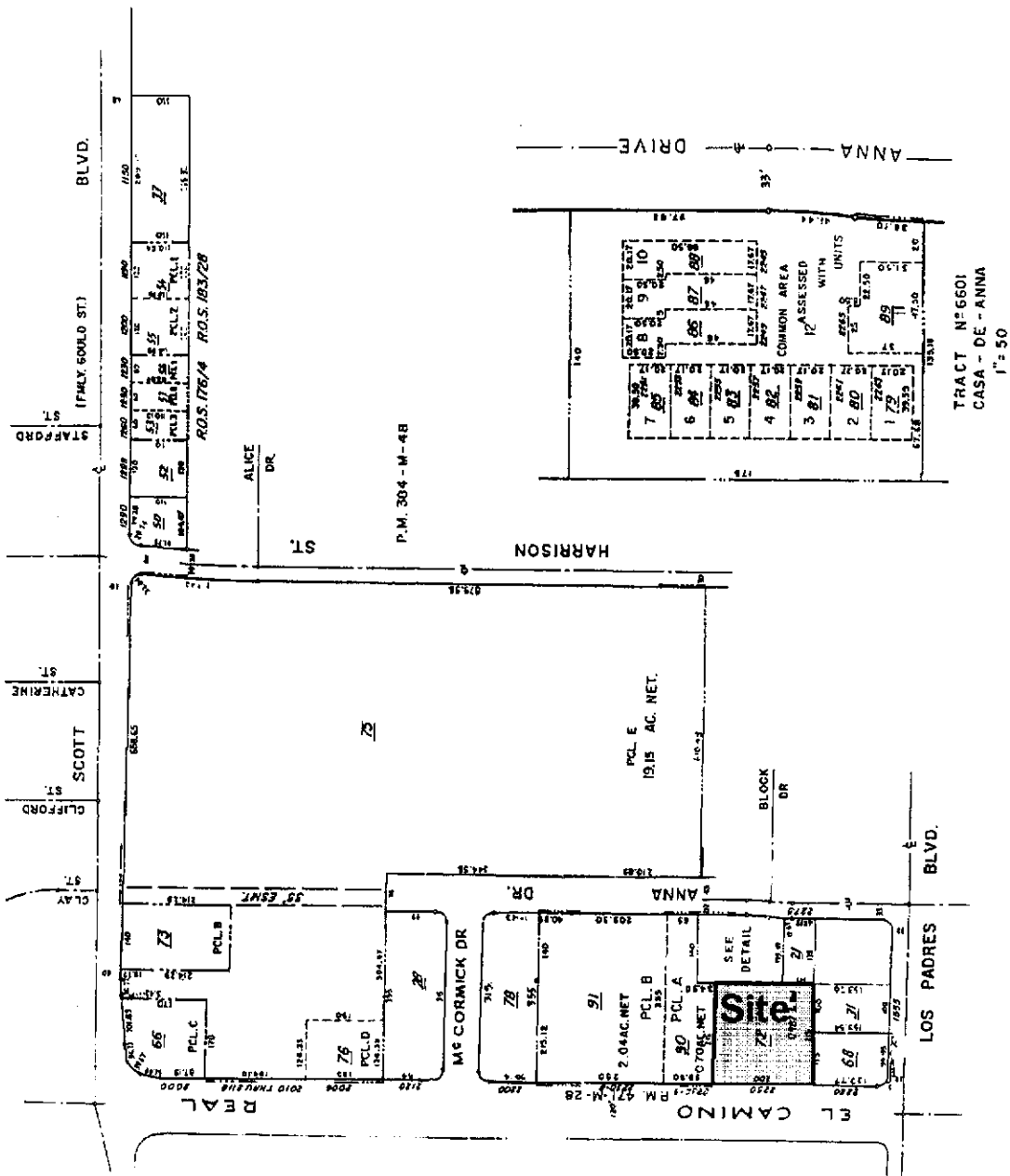
53. Peak building height shall not exceed 48'6" and average roof shall not exceed 43'6" in height. Alternative measures shall be incorporated into the project to meet fire and safety requirements.
54. Submit plans for final architectural review to the Planning Division prior to issuance of building permits. Include color palette and materials board.
55. Submit a complete landscape plan, including irrigation plans and water conservation calculations for Planning Department review and approval prior to the issuance of occupancy and or final building permits. Retain and incorporate existing trees into the landscape plan as feasible trees not suitable for preservation, retention and relocation on-site shall be replaced at a ratio of 2:1 with 15 gallon or 24" box specimen trees as approved by the Planning Department. Coordinate with the City departments and City Arborist for the type, location, installation and maintenance of street trees fronting the project site within the public right-of-way along El Camino Real. Installation of tree wells, root barriers and super-soil may be required with the installation of trees where electric, water, and sewer utilities are in proximity.
56. Submit as-built on-site plans prepared by a registered civil engineer showing all utilities serving the subject property. Said as-built plans shall be incorporated by reference as part of the CC&R's and shall be recorded at the County Recorder's Office.
57. Submit draft CC&R's to the Planning Division for review prior to council consideration of the Tentative Tract Map. Final CC&R's are to be approved by the City Attorney and Planning division prior to Council consideration of the Final Map.
58. It shall be the developer's responsibility through his engineer to provide certification to certify that the drainage design for the subject property will prevent floodwater intrusion in the event of a storm of 100-year return period. The developer's engineer shall verify that the site will be protected from off-site water intrusion by designing the on-site grading and storm water collection system using the 100-year hydraulic grade line elevation provided by the City's Engineering Department or the Federal Flood Insurance Rate Map, whichever is more restrictive. Said certification shall be submitted to the City Building Official prior to issuance of building permits.
59. The project will be required to comply with the City's Urban Runoff Pollution Prevention Program, including best management practice measures for construction and post-construction activity, including reducing runoff to public storm drain facilities from rooftops and paved surfaces.
60. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.

61. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
62. In accordance with the mitigation consistent with the Secretary of Interior Standards for the treatment of Historic Signs identified in Preservation Brief #25 to offer the sign for relocation and preservation. The applicant shall undertake the following
 1. Develop a public outreach plan consisting of a comprehensive mailing list of local and regional museums and preservation groups to offer the sign for donation and transfer and/or display.
 2. List of organizations shall be approved the Director of Planning and Inspection prior to contacting said organizations
 3. Provide funds for transportation of the sign to the selected recipient, if said recipient is a qualified nonprofit 501 (c) (3) organization or other comparable public agency. Funds shall be limited to reasonable transportation costs associated with the shipment of the sign a distance of no more than 100 miles from its current location.
 4. The sign shall be offered for donation for a period of 90 days from the date the list of organizations is approved by the Director of Planning and Inspection.
 5. The City shall have first right of refusal for acceptance of the sign.

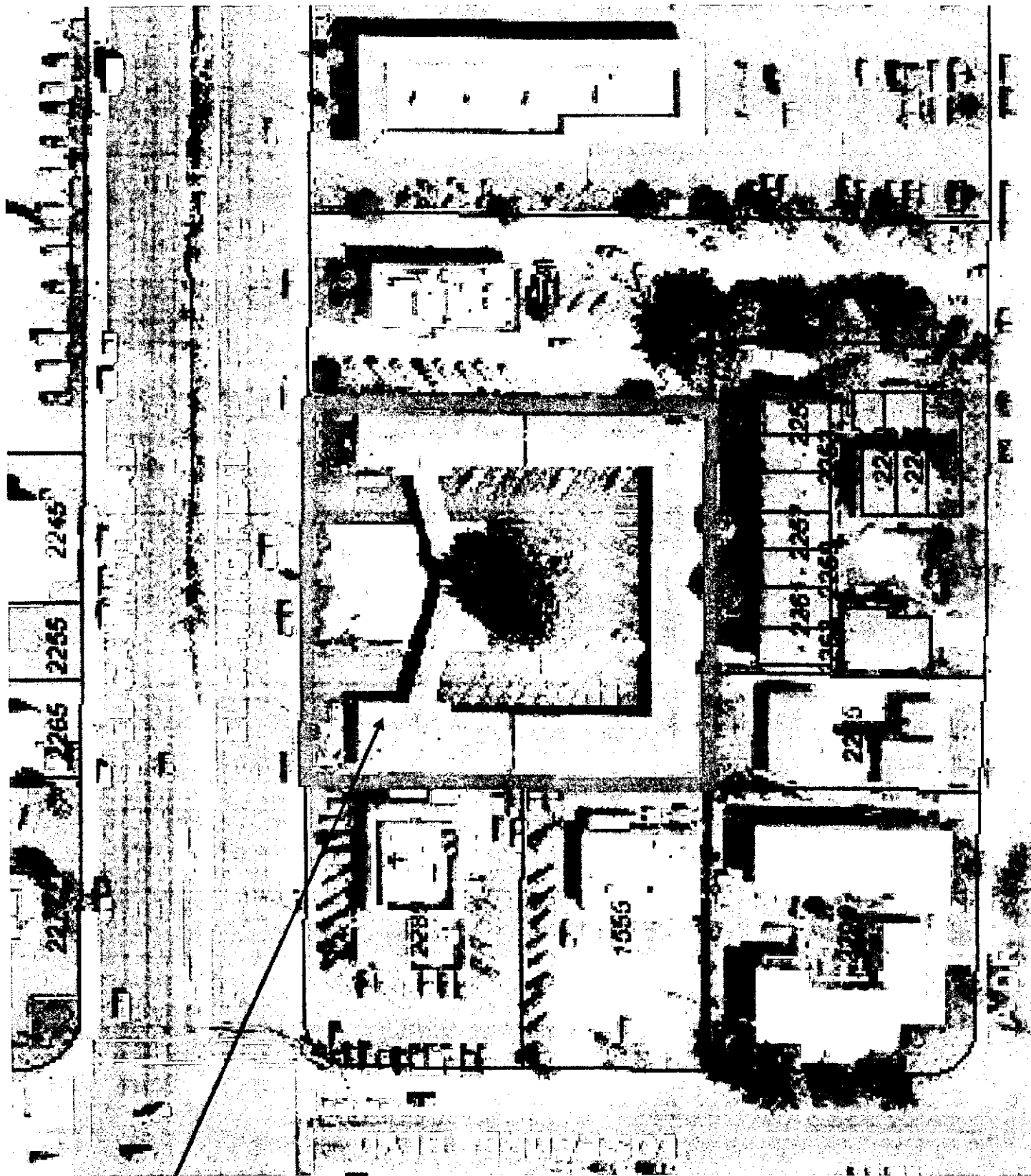
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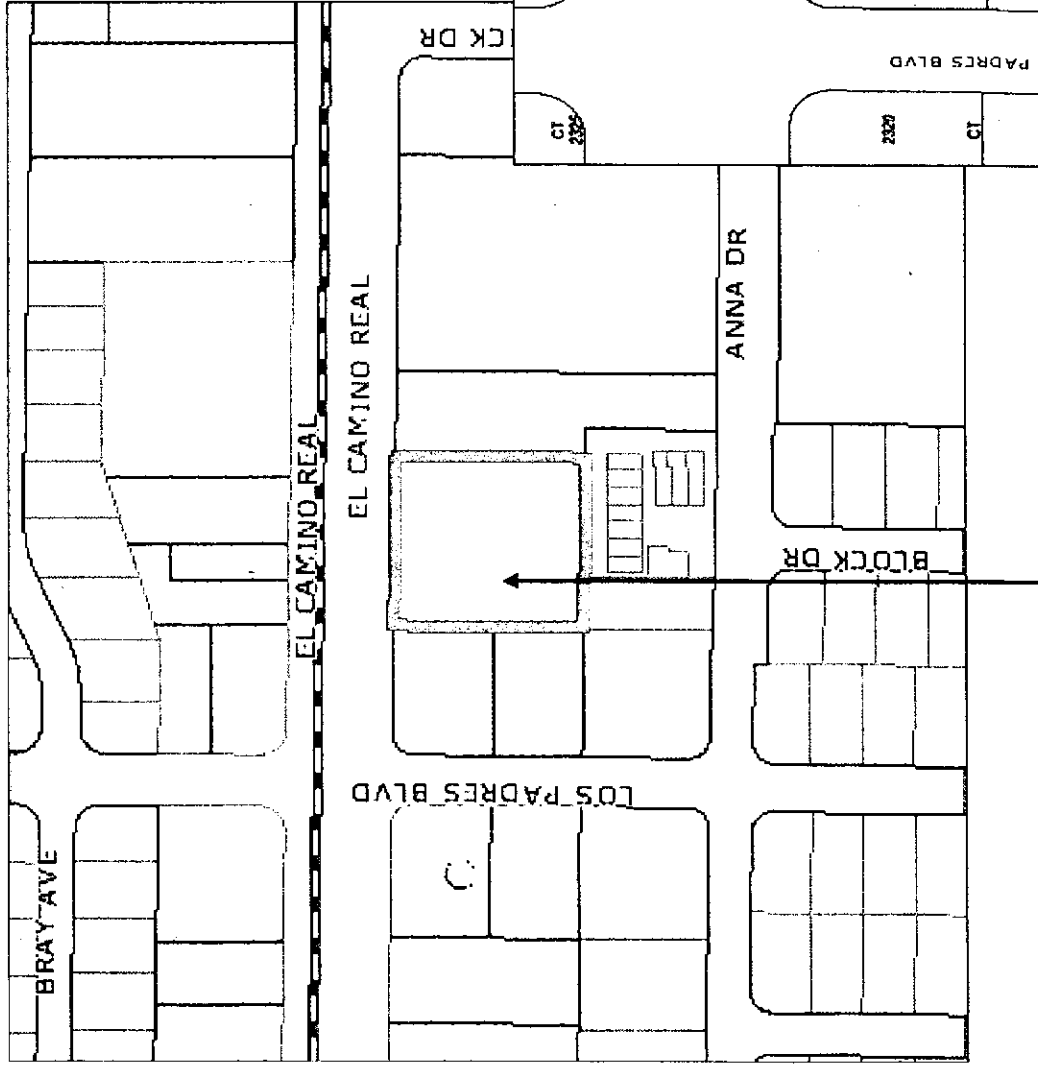


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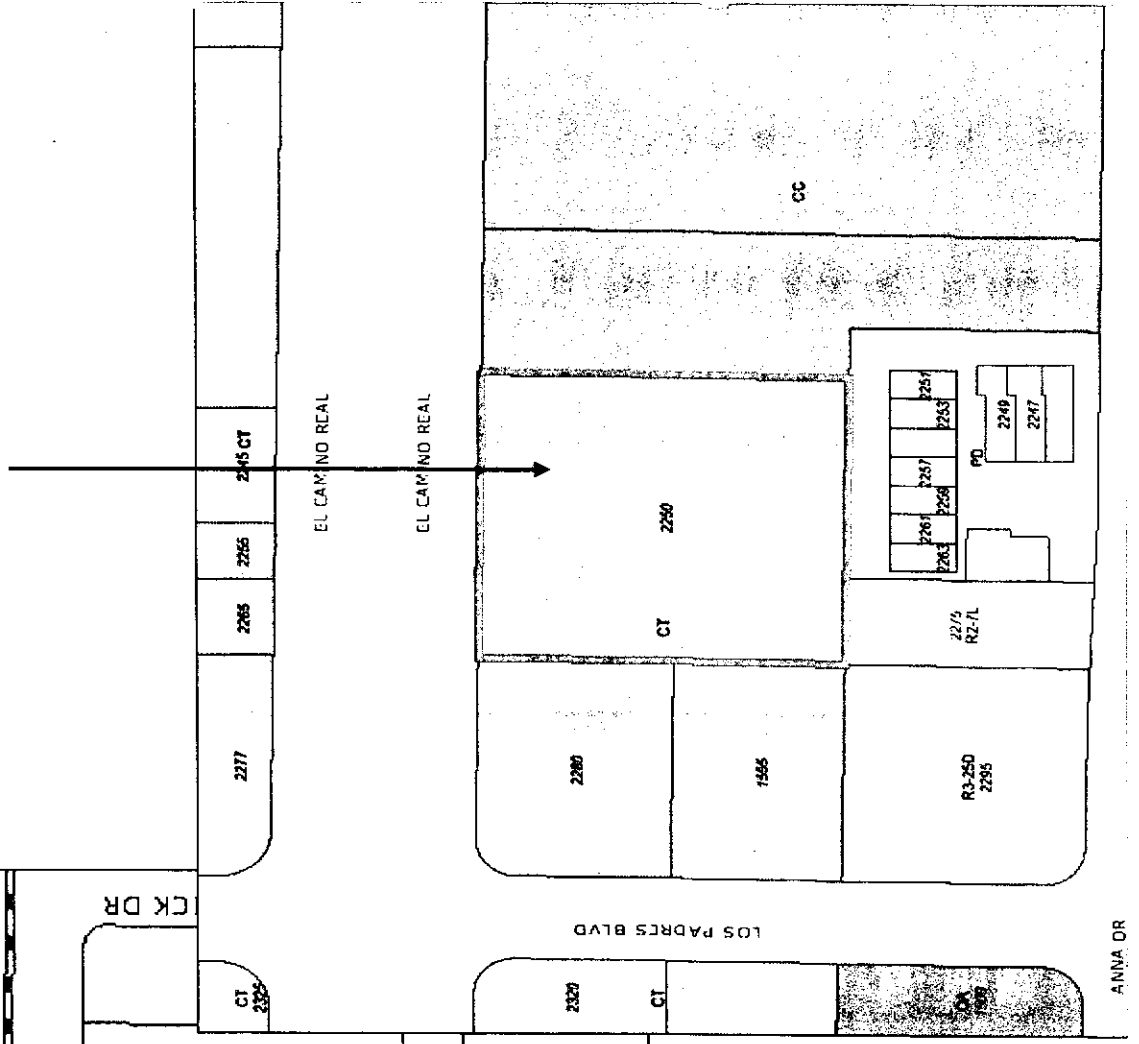


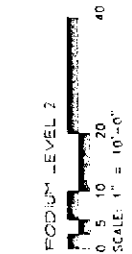
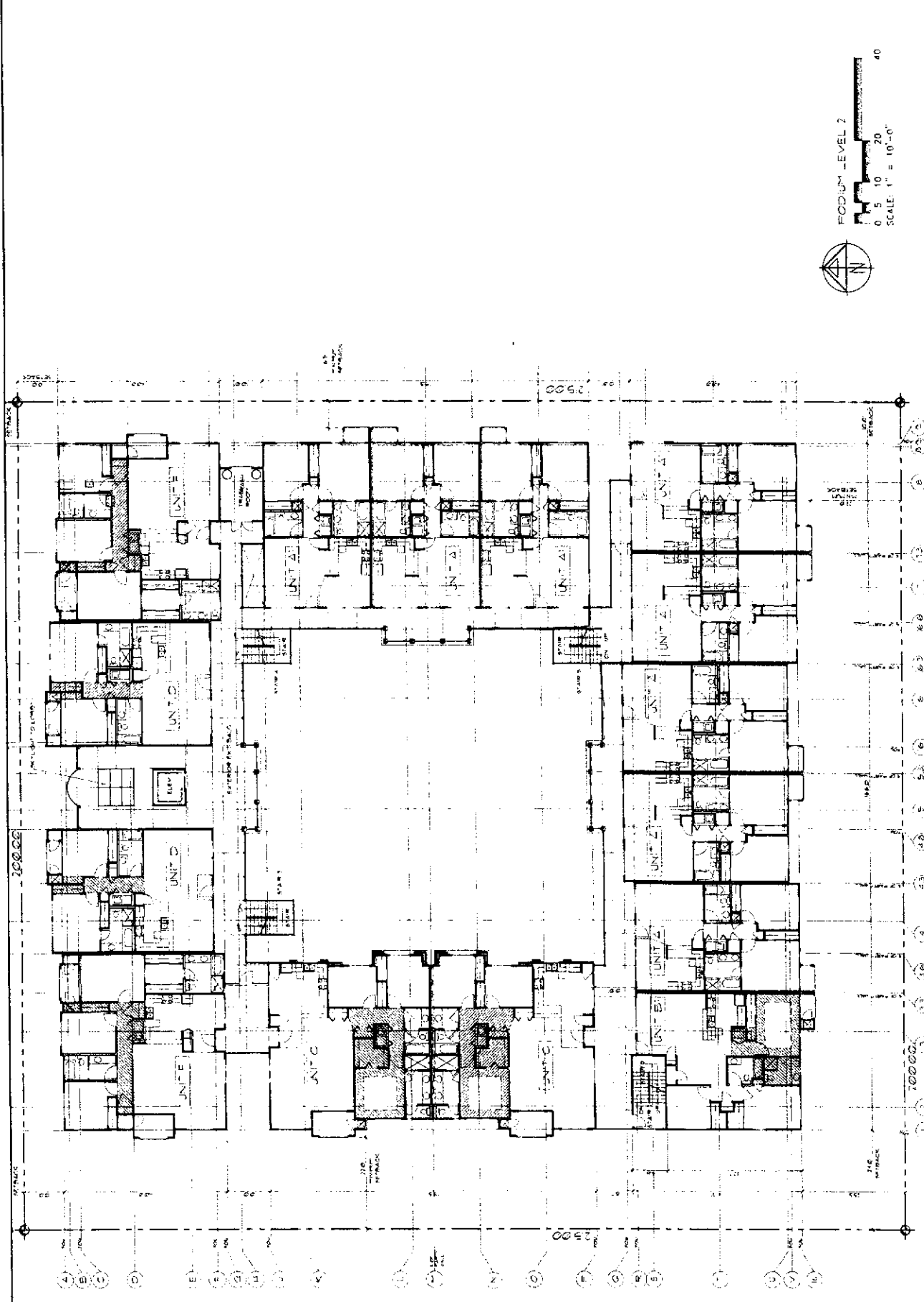
Project
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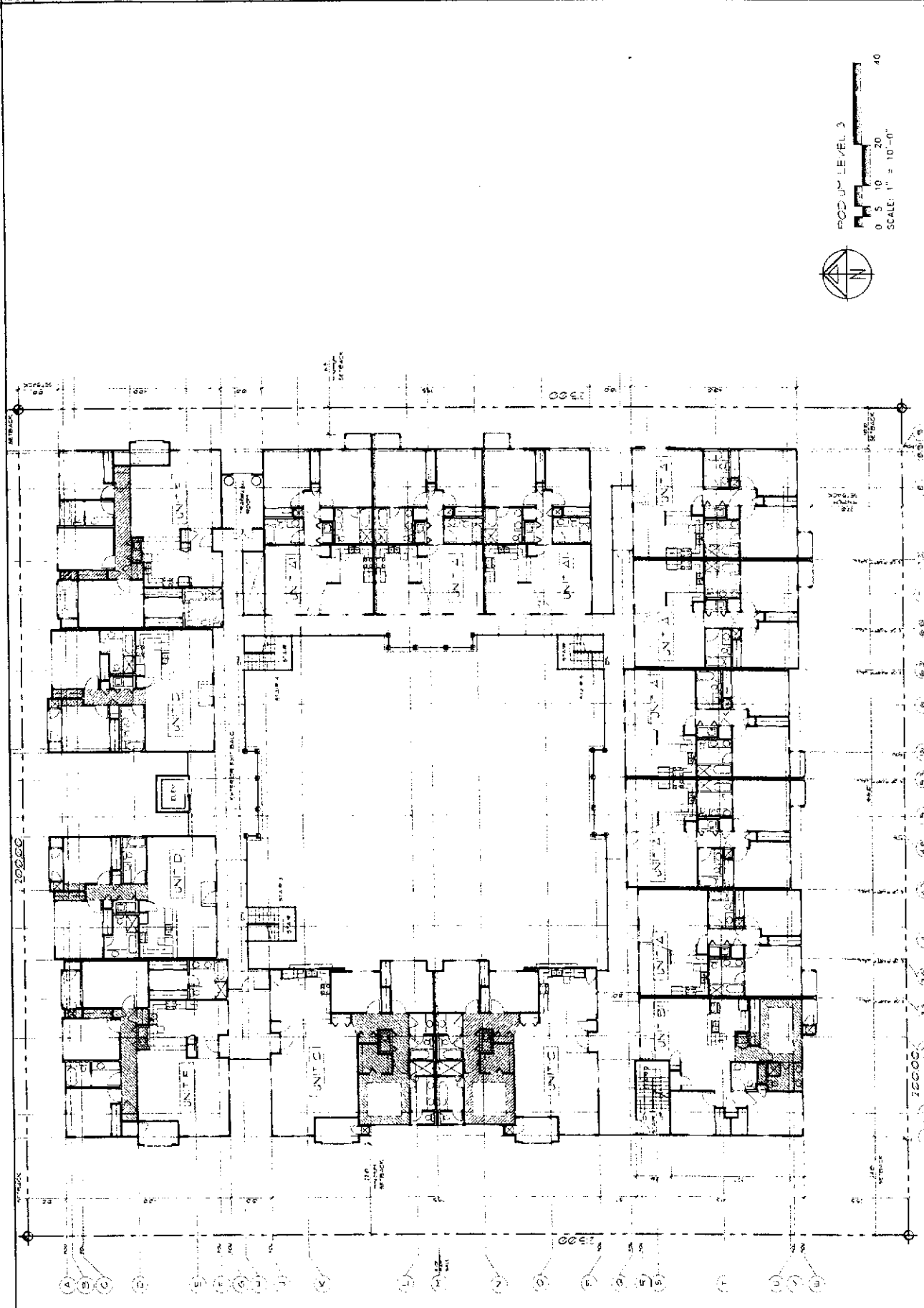




**Zoning Designation
Rezoned from CT to PD
(Council approved 5/19/06)**







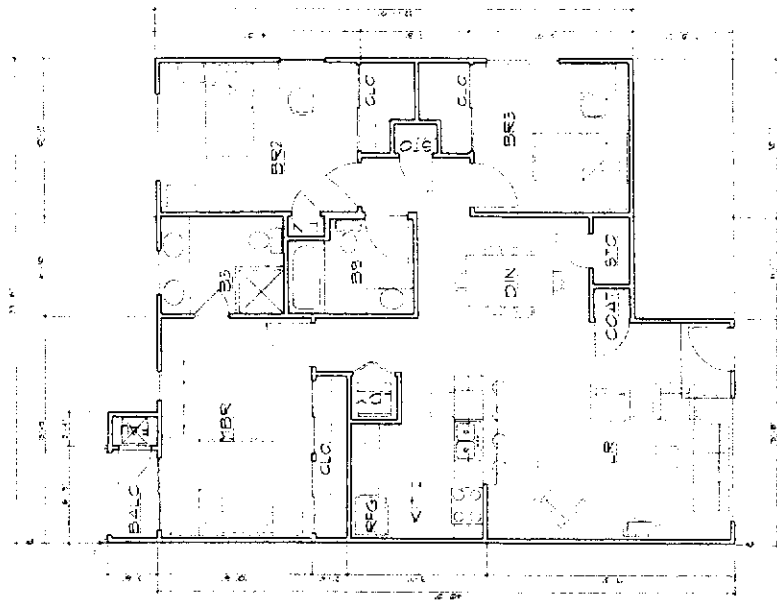
EL CAMINO LOS PADRES
 CONDOMINIUMS

MBP
 ARCHITECTS
 11708 El Camino Real, Suite 200
 San Diego, CA 92130

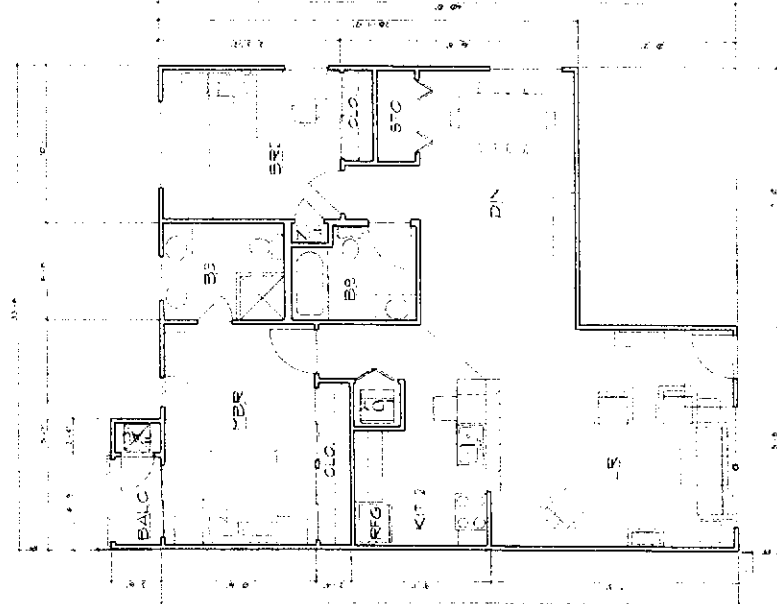


CONTRACT NO. 1060
 SHEET NO. 1060 OF 1064
 UNIT PLANS
 A, B, D1

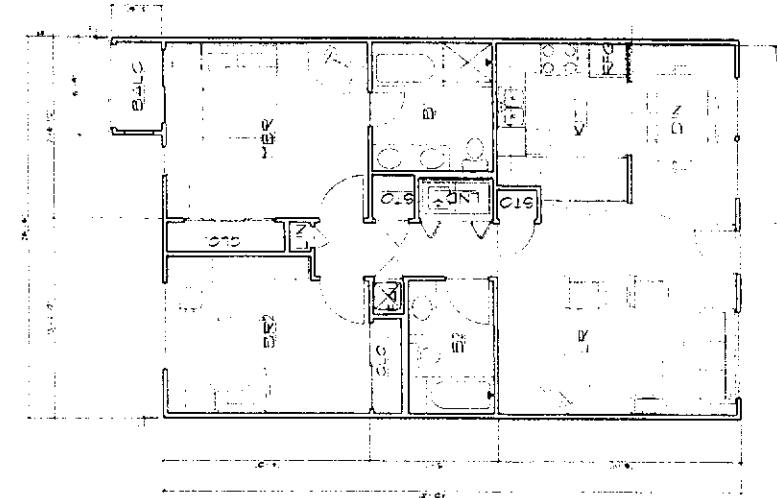
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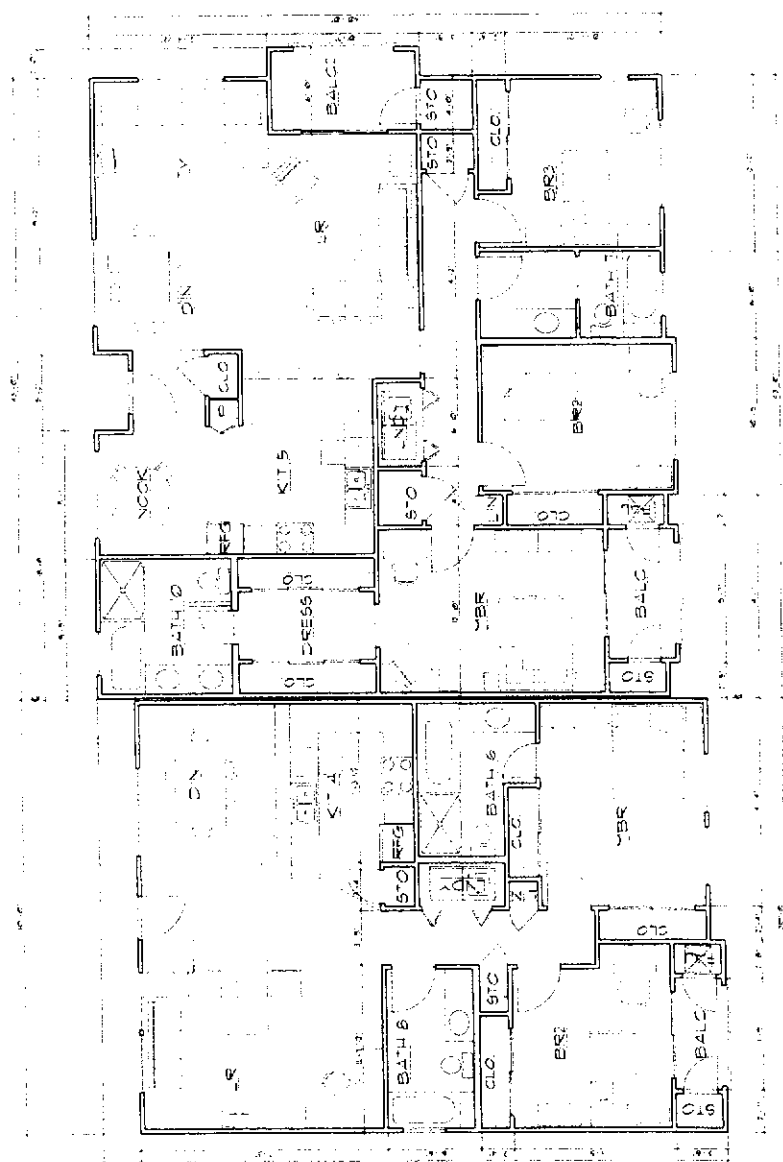


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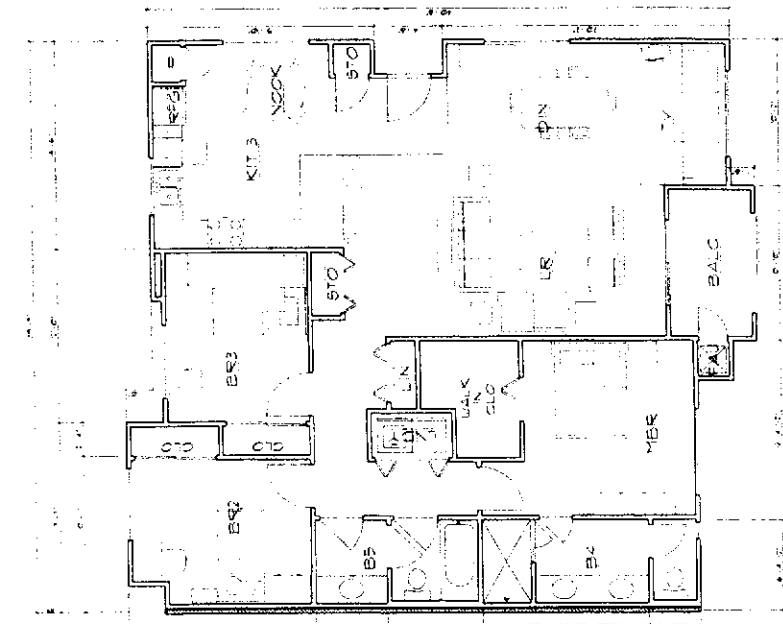
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284-124



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DATE: NOV 20, 2006

PROJECT: EL CAMINO LOS PADRES CONDOMINIUMS

DESIGNED BY: MBR ARCHITECTS

1726 S. GARDEN BLVD. SUITE 100, LOS ANGELES, CA 90006

TEL: (213) 480-1234 FAX: (213) 480-1235

WWW.MBRARCHITECTS.COM

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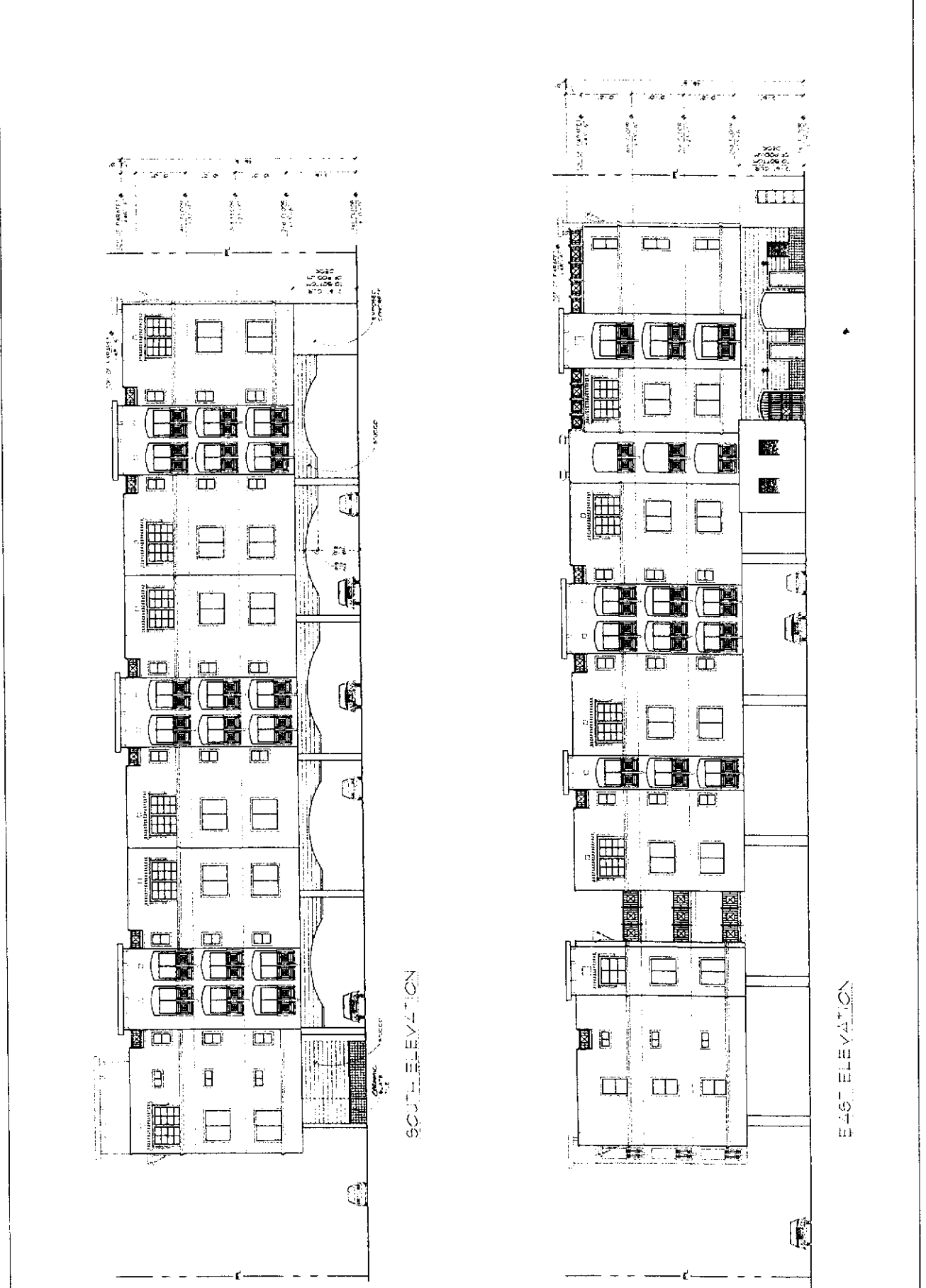
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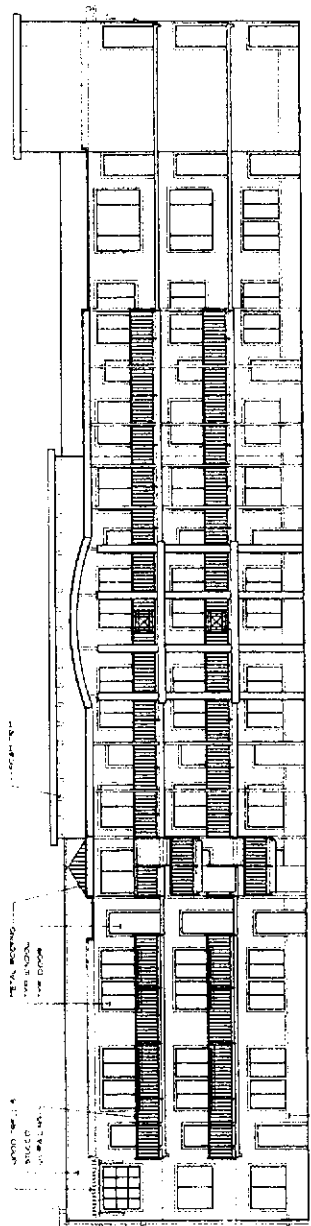
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MBR ARCHITECTS

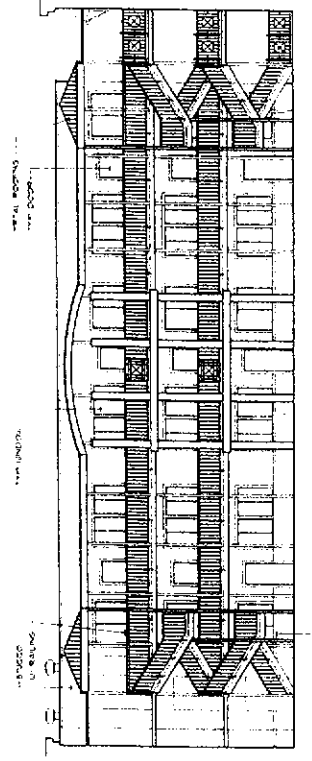


SOUTH ELEVATION

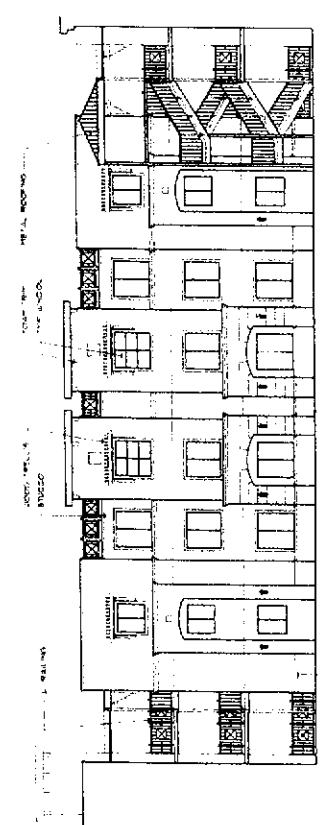
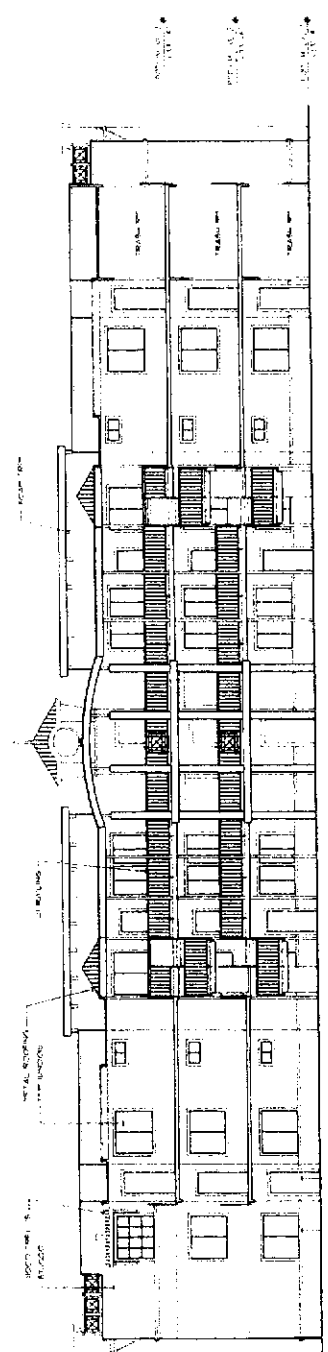
EAST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

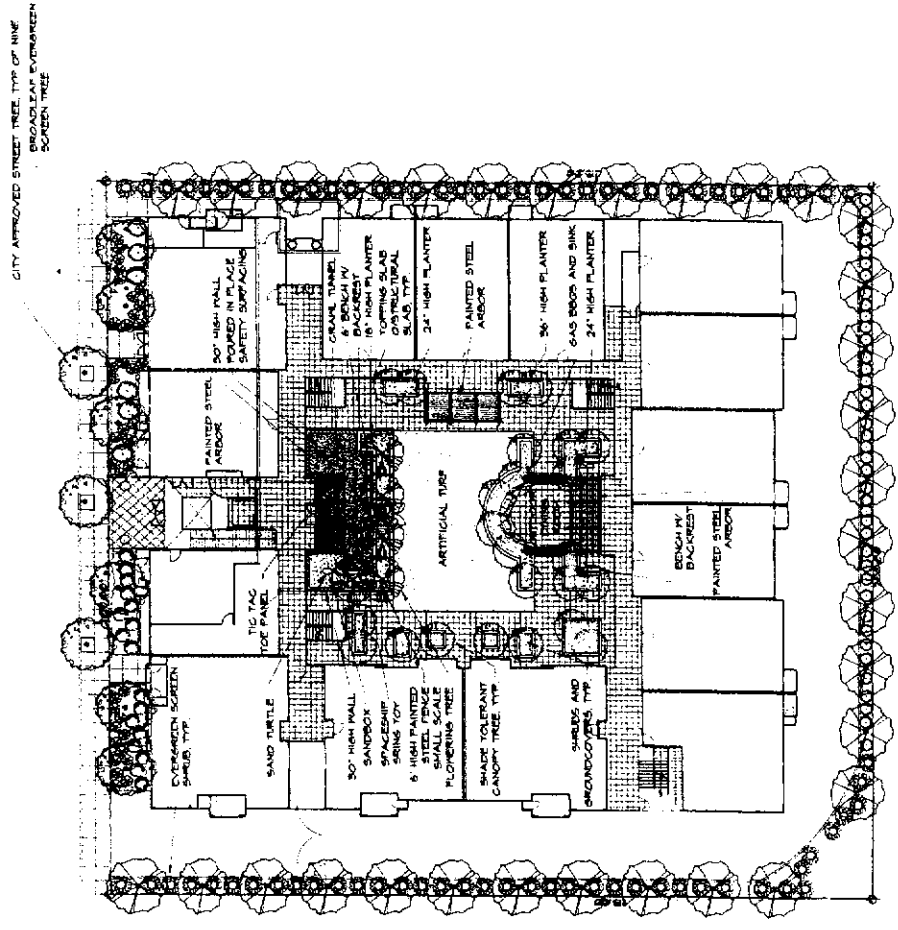


[illegible]

GENERAL NOTES

1. All planted trees shall receive a 2" layer of shredded bark mulch applied after the completion of planting operations. The bark mulch shall not exceed 1/2" in diameter. Submittal plans to the City shall include a tree care plan detailing irrigation and mulch to be installed from the site at the expense of the contractor.
2. All shrubs shall be planted 1" above finish grade to allow for settlement. All shrubs shall have crown specifications for correct planting procedures, and irrigation equipment.
3. A regular maintenance schedule satisfying the following conditions shall be implemented as a condition of the maintenance responsibilities. The maintenance conditions shall be performed on a weekly basis for the first year after installation.
4. All landscape shall be scheduled to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to, checking, adjusting, and repairing the irrigation equipment, setting the automatic controller, and watering with fertilizing, pruning and shearing in all landscape areas. Water to be applied shall be additional to the normal watering.
5. All landscape materials, except of irrigation equipment, shall be done with the originally specified materials.
6. All landscape materials shall be replaced if damaged.
7. A letter explaining the following conditions shall be submitted to the Owner prior to the start of building construction. The Owner will submit letter to the City and guarantee the following:
 - a. Determination of soil texture, indicating the percentage of organic matter.
 - b. An approximate soil infiltration rate (either measured or derived from soil texture and infiltration rate table).
 - c. Range of infiltration rates should be noted where appropriate.
 - d. Measure of soil and local water table.
 - e. A note at least two miles (2") apart be installed on all planted areas.
 - f. Disconnected irrigation system (2") apart be incorporated into the soil to improve infiltration water retention and soil structure. Refer to specifications for additional information.
 - g. Upon completing the installation of the irrigation system and landscaping an irrigation audit will be conducted by a certified landscape irrigation Auditor (CILA) prior to the final paid observation. The CILA will be required to submit the irrigation installation rate (either infiltration rate or water table) with a completed CILA form (see 3.2.2.3).

PLANT PALETTE

[illegible]

THE
NOBEL
GROUP

HO M E S O F D I S T I N C T I O N

RECEIVED

SEP 3 0 1

City of Santa Clara
Planning Division

Deborah Fernandez
Planning Dept
City of Santa Clara

Ms. Fernandez,

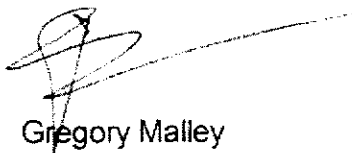
Nobel Group requests an extension for two years of the current approval for a 45 unit planned development at 2250 El Camino Real in Santa Clara. At this time we have obtained permits to begin construction from the Building Department of Santa Clara.

Financing for the proposed project is not available at this time from commercial lenders because condominium sales are substantially depressed. Commercial lenders are sustaining losses which have constrained their ability to provide credit. It will take some time for normalization of the credit markets.

The collapse in national and international stock markets has affected consumer psychology. In many cases, consumers' down payments would have come from the sale of assets in the form of stock market holdings. The decline in stock asset values has eliminated the potential for many to buy a home.

Shea Homes built three townhomes on Scott Boulevard, north of El Camino and then ceased further development of the six acre site. Premature initiation of our project will not benefit the community.

Best Regards,



Gregory Malley

20990 Homestead Rd., Cupertino, CA
408.255.6760 (v) 408.255.5631 (f)

September 28, 2008

RE: PLN2008-07285
2250 El Camino Real
Santa Clara

RECEIVED

SEP 30 2008

City of Santa Clara
Planning Division

To The Planning Department:

My property backs to the parcel referenced above, and I do have some concerns regarding the above referenced property:

- A) Will there be proper temporary barriers, walls, and/or construction canvas installed during construction to protect against debris and noise and to protect tenant privacy? And what about overlooking backyard of my property with the 4 stories?
- B) Is there a plan for any stucco/cement high walls along my rear property line to help in what I consider a privacy issue?

I am also concerned about disturbance to tenants (Property is a Duplex). I would object to construction on Saturdays as this would be annoying to occupants to have to deal with construction noise and dust, etc. when they are suppose to be given peace and enjoyment of their premises, and if that were taken away on their weekends, it would be even more disturbing.

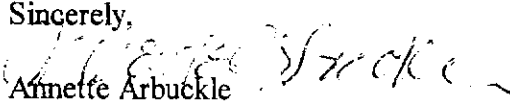
I understand that progress is good overall, but I also understand that all parties and circumstances need to be considered.

I had not been concerned in awhile because it was my understanding this project was shelved. Since my understanding was not correct, after some consideration, I have decided to submit my concerns.

I do not object to the project overall. I wish to be advised of what steps have been and will be taken in consideration of my property, since it is only 1 story.

My Duplex is located at 2275-2277 Anna Drive.

Sincerely,


Annette Arbuckle
2315 Leigh Avenue
San Jose, CA 95124
(408) 559-3509

Routine Items/Consent Calendar

8.A. Planning Commission Minutes of September 24, 2008

Public Hearing Items/Consent Calendar

8.B. File: **PLN2008-07270**
Location: 4390 Basset Street. A 4,734 square foot parcel (APN:104-11-094) and is zoned R1-6L (single family residential)
Applicant/Owner: Messier Benitez/Jose Chavez
Request: **Variance** to allow an expansion to an existing non-conforming single family home. Home is non-conforming due to existing street side setback.
Project Planner: Bridgette Carroll, Assistant Planner

Commission Action:

This item was pulled from the Consent Calendar by Commissioner Mayer for discussion. Applicant Messier Benitez spoke, and Commissioner Mayer asked about the possibility of decreasing the setback from 20 to 15 feet. Following discussion about this issue, the public hearing was closed. Commissioner Marine moved to approve the request, subject to conditions, seconded by Commissioner Barcells. The motion was approved unanimously.

8.C. File: **PLN2008-07285**
Location: 2250 El Camino Real, a 43,000 sq. ft. lot on the south side of El Camino Real, approximately 150 ft. east of Los Padres Blvd. (APN: 290-10-072). Property is zoned PD (Planned Development).
Applicant/Owner: Gregory Malley
Request: **Time Extension** of PD (Planned Development) zoning approval to allow construction of 45 dwelling units as part of a four-story residential development condominium project with podium parking
Project Planner: Debby Fernandez, Associate Planner

Commission Action:

This item was pulled from the Consent Calendar by Commissioner Stattenfield, who asked whether the concerns in Annette Arbuckle's letter to the Planning Department had been addressed. Ms. Sciara responded they had. Commissioner Stattenfield asked whether time extensions are typically granted, and Ms. Sciara said they are routinely granted for financing, design or other reasons. Applicant Gregory Malley spoke and indicated they had not broken ground yet as they are monitoring the market. Following discussion, the public hearing was closed. Commissioner Marine moved to recommend the item to City Council for approval, subject to conditions. Commissioner Stattenfield seconded the motion, and it was approved unanimously.

8.D. File: **PLN2008-07171**
Location: 2155 El Camino Real, a 1,775 square foot tenant space (DBA: Mr. Chau's Restaurant) located in a shopping center on the north side of El Camino Real between Scott Boulevard and San Tomas Expressway (APN: 224-15-032). Property is Zoned CC (Community Commercial).
Applicant: Patrick Chau,
Joseph Padilla, Padilla/Associates
Owner: Meacham
Request: **Use permit** to allow the sales of Beer and Wine in existing restaurant
Project Planner: Julie Moloney, Associate Planner

This item was pulled from the Consent Calendar by Commissioner Marine, who indicated the Use Permit approval should specify that beer and wine sales would only be allowed in association with food service. Following the closing of the public hearing, Commissioner Marine moved to approve

CITY OF SANTA CLARA
AGENDA MATERIAL ROUTE SHEET

Council Date: 11/18/08

SUBJECT: 2-year time extension of a PD zoning approval
to Allow Construction of 45 dwelling units - 2250 El Camino Real
(PLN 2008-07285)

CERTIFICATION

The proposed extension
Regarding 2250 El Camino Real
has been reviewed and is hereby certified.

PUBLICATION REQUIRED:

The attached Notice/Resolution/Ordinance is to be published _____ time(s) at least _____ days before the scheduled meeting/public hearing/bid opening/etc., which is scheduled for _____, 200__.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

Title _____ U.S.C. § _____
(Titles run 1 through 50)

California Codes:

Code _____ § _____
(I.e., Government, Street and Highway, Public Resources)

Federal Regulations:

Title _____ C.F.R. § _____
(Titles run 1 through 50)

California Regulations:

Title _____ California Code of Regulations § _____
(Titles run 1 through 28)

City

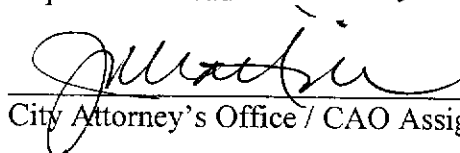
City Charter § _____ (I.e., 1310. Public Works Contracts. Notice published at least once at least ten days before bid opening)

City Code § _____

1. As to City Functions, by


Department Head

2. As to Legality, by


City Attorney's Office / CAO Assignment No. 07. None

3. As to Environmental
Impact Requirements, by

Director of Planning and Inspection

4. As to Substance, by

City Manager

Revision Date June 7, 2005